

S/N 10/584,219

In response to the Office Action dated March 25, 2010

REMARKS

Favorable reconsideration of this application is requested in view of the above amendments and the following remarks.

Independent claims 1 and 10 have been amended to include a feature of claim 3. Claim 3 has been amended to delete the feature now included in claims 1 and 10. No new matter is added.

35 USC § 102 Rejections

Claims 1-14 have been rejected under 35 USC 102(b) as being anticipated by Atwood et al. (US 5,475,610). Applicants respectfully traverse the rejection.

Claim 1 is directed to a method of raising a temperature of an object contained hermetically in a container to a predetermined temperature and requires a step of estimating the temperature of the contained object based on the container temperature and the ambient temperature. Claim 10 is directed to a method of raising a temperature of a contained object sealed in a container and requires a step of estimating the temperature of the contained object based on the ambient temperature.

An advantage of the feature in claims 1 and 10 is that, by measuring the ambient temperature of the cartridge 2, the temperature of the reagents hermetically contained in the cartridge 2 can be estimated properly and indirectly. Therefore, the temperature of the reagents in the cartridge 2 can be raised up to a target temperature, while the reagents are kept sealed. In this way, the reagents can be prevented from evaporation until the reaction with the sample, and the reaction temperature at each analysis can be uniform. As a result, the analysis accuracy can be improved in the sample analysis that is performed after the reagents react with the sample at the target temperature. (page 20, lines 12-23)

The rejection contends that the claims are anticipated by Atwood and notes that Atwood estimates the temperature of the sample liquid based on the thermal time constant of the system (col. 28, lines 25-38, Equation 6). However, Atwood fails to disclose that the temperature of the contained object is estimated based on

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the container temperature and the ambient temperature as in claim 1 or on the ambient temperature as in claim 10. Therefore, Atwood does not teach or suggest the features of claims 1 and 10. The rejection should be withdrawn.

Claims 2-9 and 11-14 are allowable at least by virtue of their respective dependence on independent claims 1 and 10 or intervening dependent claims. The rejections of these dependent claims should be withdrawn. Applicants do not concede the correctness of the rejection.

Applicants respectfully request that a timely Notice of Allowance be issued in this case.

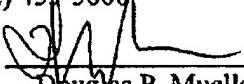
If the Examiner believes a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the below-listed telephone number.

Respectfully submitted,



Dated: July 22, 2010

By:


Douglas P. Mueller
Reg. No. 30,300
DPM/lif